

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES C. SIMON, ET AL.

v.

THE FIRST LIBERTY
INSURANCE CORPORATION

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CIVIL ACTION

NO. 16-4540

ORDER

AND NOW, this 5th day of December, 2016, upon consideration of Defendant The First Liberty Insurance Corporation's Motion to Dismiss for Failure to State a Claim (ECF No. 8), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** as follows:

1. Defendant's Motion is **GRANTED**.
2. Count II is **DISMISSED**.
3. Plaintiff's request to amend the Complaint is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:

/s/ R. Barclay Surrick
U.S. District Judge